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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke
13 Probation Against:

14 **ABRAHAM NATHAN RUIZ**
15 **4458 Kansas Street #9**
16 **San Diego, CA 92116**

17 **Applicator License No. 54922**

18 Respondent.

Case No. 2013-23

19 **DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

20 **FINDINGS OF FACT**

21 1. On or about July 14, 2015, Complainant Susan Saylor, in her official capacity as the
22 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
23 Affairs, filed Petition to Revoke Probation No. 2013-23 against Abraham Nathan Ruiz
(Respondent) before the Structural Pest Control Board. (A copy of Petition to Revoke Probation
attached as Exhibit A.)

24 2. On or about September 16, 2013, the Structural Pest Control Board (Board) issued
25 Applicator License No. 54922 to Respondent. The Applicator License was in full force and effect
26 at all times relevant to the charges brought in Petition to Revoke Probation No. 2013-23 and will
27 expire on June 30, 2017, unless renewed.

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1 3. On or about August 21, 2015, Respondent was served by Certified and First Class
2 Mail copies of the Petition to Revoke Probation No. 2013-23, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
5 Professions Code section 136, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is:

7 4458 Kansas Street #9
8 San Diego, CA 92116

9 4. On or about August 21, 2015, Respondent was served by Certified and First Class
10 Mail copies of the aforementioned documents were mailed to an alternate address known for
11 Respondent which was:

12 4343 Helix Canyon Drive
13 La Mesa, CA 91941

14 5. Service of the Petition to Revoke Probation was effective as a matter of law under the
15 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
16 Code section 124.

17 6. On or about July 24, 2015, the Domestic Return Receipt for the aforementioned
18 documents served to Respondent's address of record by Certified Mail was signed indicating
19 delivery.

20 7. Government Code section 11506 states, in pertinent part:

21 (c) The respondent shall be entitled to a hearing on the merits if the respondent
22 files a notice of defense, and the notice shall be deemed a specific denial of all parts
23 of the accusation not expressly admitted. Failure to file a notice of defense shall
24 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
25 may nevertheless grant a hearing.

26 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
27 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
28 Petition to Revoke Probation No. 2013-23.

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9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No. 2013-23, finds that the charges and allegations in Petition to Revoke Probation No. 2013-23, are separately and severally, found to be true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$732.50 as of August 28, 2015.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Abraham Nathan Ruiz has subjected his Applicator License No. 54922 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Structural Pest Control Board is authorized to revoke Respondent's Applicator License based upon the following violations alleged in the Petition to Revoke Probation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet.

a. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 1 by failing to file a change of address within ten days of disassociating with two separate employers in violation of California Code of Regulations, title 16, section 1911, and section 8567 of the Code.

b. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 2, in that Respondent filed his first quarterly report on December 17, 2013. He has filed no subsequent quarterly reports.

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Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 13, 2015

It is so ORDERED November 13, 2015

FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:
Exhibit A: Petition to Revoke Probation